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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,965	12/15/2003	Fernando Salazar	LOT9-2003-0070-US1 (7321-	1335
46321 7590 01/19/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER TO, BAOQUOC N	
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			2162	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/734,965

Applicant(s)

SALAZAR ET AL.

Examiner

Baoquoc N. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-24 are pending in this application.

#### ***Drawings***

2. Drawing submitted on 12/15/2003 is accepted by the examiner.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

#### **MPEP 2106 IV. B.2. (b)**

A claim that requires one or more acts to be performed defines a process.

However, not all processes are statutory under 35 U.S.C. 101. *Schrader*, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

#### **a) "USEFUL RESULT" MPEP 2107.01**

For an invention to be "useful" it must satisfy the utility requirement of section 101. The

USPTO's official interpretation of the utility requirement provides that the utility of an

invention has to be (i) specific, (ii) substantial and (iii) credible. MPEP § 2107 and *Fisher*, 421 F.3d at 1372, 76 USPQ2d at 1230 (citing the Utility Guidelines with approval for interpretation of "specific" and "substantial"). In addition, when the examiner has reason to believe that the claim is not for a practical application

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that produces a useful result, the claim should be rejected, thus requiring the applicant to distinguish the claim from the three 35 U.S.C. 101 judicial exceptions to patentable subject matter by specifically reciting in the claim the practical application. In such cases, statements in the specification describing a practical application may not be sufficient to satisfy the requirements for section 101 with respect to the claimed invention. Likewise, a claim that can be read so broadly as to include statutory and nonstatutory subject matter must be amended to limit the claim to a practical application. In other words, if the specification discloses a practical application of a section 101 judicial exception, but the claim is broader than the disclosure such that it does not require a practical application, then the claim must be rejected.

3. Claims 1-30 in view of the above cited MPEP section, are not statutory because claims they merely recite computing steps without producing any concrete and useful result and/or being limited to a practical application within the technological arts. Claims 9-16 recites "a computer-readable medium storage medium storing a computer program which when executed perform the method of transforming source data to a target database in a data management system.." which the claim has not being executed. In addition, the claims 1-30 recites computing steps without produce any useful results. Claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.")

***Claim Rejections - 35 USC § 112***

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: if there is a match in the existing directory then, merging the converted source to the existing directory. And if when there is not an existing directory.... Then, loading the converted source data into the target database. For purpose of examination, the examiner interprets claims as "matching object identifier with corresponding object identification information contained in the converted source data if there is an existing directory containing object identifier related to the object identification information contained in the converted source data, merging the converted source to the existing directory and if there is not an existing directory containing object identifier related to the object identification information contained in the converted source data, loading the converted source data into the target database.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Prompt et al. (US. Patent No. 6,985,905 B2).

Regarding on claim 1, Martin teaches a method of transforming source data from a source database to a target database in a data management system, the method comprising:

Converting the source data to a format compatible with the target database, the converted source data containing object identification information (if the source database 104A uses a different database management system than the target database, the transform block may be required to transform the data to the target database format) (col. 9, lines 35-39); and

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Loading the converted source data into the target database (the transform block may be required to transform the data to the target database format to enable storage in the database 104B) (col. 9, lines 36-39).

According to the full scope of the claim. This limitation is just an additional steps which will require the method to perform base on when there is a match in the existing directory. And if there is not match in the existing directory, this condition does not require to be evaluated. According to the specification, when there is not match to the directory, loading the converted source data into the target database. Assuming this the condition such as this is not match in the existing directory, then the rejection is disclosed as above as indicated above. Assuming the condition such as if there is a match in the existing directory, then the rejection is discloses as follow. Martin does not explicitly disclose matching the object identifier with corresponding object identification information contained in the converted source data if there is an existing directory containing object identifiers related to the object identification information contained in the converted source data. On the other hand, Prompt discloses matching the object identifier with corresponding object identification information contained in the converted source data if there is an existing directory containing object identifiers related to the object identification information contained in the converted source data (as corresponding to this is contrasted with conventional LDAP directories which require data to be extracted for the authoritative source of the information and transformed into a format matching the LDAP schema of the directory...) (col. 16, lines 55-62). This suggests the concept of matching object of the

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convert source into the object of LDAP format. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify martin's system to include the matching the object in the converted source to the object of the LDAP as disclosed in Prompt in order to allow the converted data to be merge into the directory which uses for processing.

Claim 9 is a computer-readable storage medium storing a computer program which when executed performs a method of transforming source data from a source database to a target database in a data management system the method performs the step similar to claim 1; therefore, claim 9 is rejected under the same reason as to claim 1.

Claim 17 is a data transformation system for transforming source data from a source database to a target database in the data management system, the system perform the step similar to claim 1; therefore, claim 17 is rejected under the same reason as to claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2-3, 10-11 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Whitehurst et al. (US. Patent No. 6,978,115 B2).

As to claim 2, Martin discloses the method of claim 1; however, Martin does not explicitly disclose wherein the data management system is a learning management system. On the other hand, Whitehurst discloses data management system is a learning management system (col. 7, lines 42-45). This suggests the claimed limitation. Therefore, It would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Martin's system to include the learning management system (LMS) as taught by Whitehurst in order to allow the data to be transform from the learning management system to the format which suitable to all the on-line student.

Claim 10 recites the same limitation as to claim 2; therefore, claim 10 is rejected under the same reason as to claim 2.

Claim 18 recites the same limitation as to claim 2; therefore, claim 10 is rejected under the same reason as to claim 2.

As to claim 3, Martin discloses the method of claim 2, however, Martin does not explicitly discloses wherein the source data contains user and course information related to the learning management system. On the other hand, Martin discloses wherein the source data contains user and course information related to the learning management system (col. 7, lines 45-49). This suggests the claimed limitation. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify martin system to

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include learning management system manage the data of learner and registration classes as taught by Martin in order to allow the student database in a on-line class.

Claim 11 recites the same limitation as to claim 3; therefore, claim 11 is rejected under the same reason as to claim 11.

Claim 19 recites the same limitation as to claim 3; therefore, claim 19 is rejected under the same reason as to claim 3.

Regarding on claim 4, Martin teaches the method of claim 3, further comprising updating the source database to include the object identifiers contained in the existing directory if a match is found (col. 5, lines 33-38).

Claim 12 recites the same limitation as to claim 4; therefore, claim 12 is rejected under the same reason as to claim 4.

Claim 20 recites the same limitation as to claim 4; therefore, claim 20 is rejected under the same reason as to claim 4.

Regarding to claim 5, Martin discloses the concept of claim 4, wherein the object identification information and the object identifier relate to names of user of the learning management system (the extracted data source are the user names) (col. 9, line 32).

Claim 13 recites the same limitation as to claim 5; therefore, claim 13 is rejected under the same reason as to claim 5.

Claim 21 recites the same limitation as to claim 5; therefore, claim 21 is rejected under the same reason as to claim 5.

7. Claims 6-8, 14-25 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Whitehurst et al. (US. Patent No. 6,978,115 B2) and further in view of Haimowitz et al. (US. Patent No. 5,819,291 B2).

Regarding on claim 6, both Martin and Whitehurst do not explicitly teach the method of claim 5, further comprising manually selecting a match of object identifiers and corresponding object identification if no match or if more than one potential match is found; however, Haimowitz discloses manually selecting a match of object identifiers and corresponding object identification if no match or if more than one potential match is found (as corresponding to if the pending record is actually a new record, then the data is entered into a new record in the existing records database 12. If there is a match with one or more records, then the user can mark the records and can select which one will get the updated information) (col. 10, lines 14-18). This suggests he claimed limitation. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify both Martin and Whitehurst system to include user selection of matching records as disclosed in Haimowitz in order to merge the converted records into the new directory for processing.

Claim 14 recites the same limitation as to claim 6; therefore, claim 14 is rejected under the same reason as to claim 6.

Claim 22 recites the same limitation as to claim 6; therefore, claim 22 is rejected under the same reason as to claim 6.

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Regarding on claim 8, both martin and Whitehurst do not explicitly teach the method of claim 6, wherein manually selecting a match of object identifiers and corresponding to object identification information if more than one potential match is found further include creating a file containing the potential matches and re-generating the matching process. However, Haimowitz discloses teach the method of claim 6, wherein manually selecting a match of object identifiers and corresponding to object identification information if more than one potential match is found further include creating a file containing the potential matches and re-generating the matching process (as corresponding to if the pending record is actually a new record, then the data is entered into a new record in the existing records database 12. If there is a match with one or more records, then the user can mark the records and can select which one will get the updated information) (col. 10, lines 14-18). This suggests he claimed limitation. Therefore, it would have been obvious to one ordinary skill in the art a the time of the invention was made to modify both Martin and Whitehurst system to include user selection o f one more matching records as disclosed in Haimowitz in order to merge the converted records into the new directory for processing.

Claim 15 recites the same limitation as to claim 8; therefore, claim 15 is rejected under the same reason as to claim 15.

Claim 23 recites the same limitation as to claim 8; therefore, claim 23 is rejected under the same reason as to claim 8.

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8. Claims 7, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US. Patent No. 6,016,501) in view of Whitehurst et al. (US. Patent No. 6,978,115 B2) and further in view of Haimowitz et al. (US. Patent No. 5,819,291 B2) and further in view of Doyle (US. Patent No. 6,058,239).

Regarding on claim 7, Martin and Whitehurst and Haimowitz discloses the method of claim 6 excepting for wherein if no match is found, further creating a file contain the object identifiers having a format similar to the converted source data. On the other hand, Doyle discloses wherein if no match is found, further creating a file contain the object identifiers having a format similar to the converted source data (if there is no match, an algorithm 25 save the trial key file as a new permanent key file 26, and tag. ID 9 is set to the ID of the newly created key file. In any case, an algorithm 27 creates a new catalog entry for the recording session (col. 4, lines 2-5). This suggests the claimed limitation. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Martin and Whitehurst and Haimowitz to include creating a new file for the converted data as disclosed by Doyle to allow the data to store in the new system for later processing.

Claim 16 recites the same limitation as to claim 7; therefore, claim 16 is rejected under the same reason as to claim 7.

Claim 24 recites the same limitation as to claim 8; therefore, claim 24 is rejected under the same reason as to claim 8.

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**Contact Information**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

BQ To



January 9th, 2006

  
JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100